

where the controversy arose. He shall give such decision as may in each particular case appear to be in conformity with vested rights, and shall be just and equitable between the parties. The decision shall state expressly the findings of fact on the evidence, and shall in cases of right of way, clearly indicate the location (if possible) and nature of the way, if on water right, it shall state the proportion or time for use, and any other things necessary to the right. It may also regulate the methods by which water may be obtained, and by which its supply can be controlled. All of the testimony and the decision shall be recorded in books of record to be kept and preserved by the Commissioner. The said books, when filled, shall be deposited with the Clerks of the respective Courts. The decisions of the several Commissioners shall be final and binding upon all parties except those who may be absent from the Kingdom without a legal representative in this Kingdom during the whole time of the pendency of such suit subject to the right of appeal.

SECTION 5. There may be taxed as costs in cases arising hereunder, besides the usual statutory costs, as allowed in the Police Courts for service, summons, oaths and otherwise, the fees of the Commissioner, six dollars a day for each day's hearing and his reasonable actual expenses in visiting the locality and not over twenty cents a folio for copies of the evidence and decision either on appeal or as furnished to any party. The costs may, in the discretion of the Commissioner, be divided or taxed to the losing party. In case of appeal the final award as to costs shall abide the decision of the Court.

SECTION 6. Any party aggrieved by the decision of the Commissioner, may appeal therefrom to the Court within ten days from the rendition of the decision and within said period shall pay all costs accrued and for certificate and record on appeal, and shall deposit with the Commissioner, a good and sufficient bond to the Clerk of the Court, in the sum of one hundred dollars, conditioned for the payment of costs further to accrue in case of defeat. In case of appeal, the Commissioner shall promptly transmit to the Clerk of the Court a copy of the record, together with any exhibits filed, the bond for costs, and all costs not strictly retainable by him or actually disbursed. The Court may permit the introduction of new evidence which could not with due diligence have been obtained before, and its decision shall be final and binding except as aforesaid.

SECTION 7. The Commissioner shall have power to administer oaths, to punish contempts, to grant adjournments, to subpoena and compel the attendance of witnesses, to issue execution for costs, to enforce a specific performance of judgment and generally to exercise the same authority in regard to their special jurisdiction as is by law conferred upon Police Justices.

SECTION 8. Nothing in this Act contained shall be construed to interfere with the several laws authorizing the Minister of the Interior to take possession of land or water for the benefit of the Honolulu Water Works, nor with the provisions of an Act to regulate the passage of water over lands of those not benefitted thereby, approved the 18th of September, A. D. 1876.

SECTION 9. Sections 996, 997 and 1001 of the Civil Code, as amended by the Act of 1860, entitled an Act to amend Article 44, Chapter XVI. of the Civil Code; Sections 998, 999 and 1003 of the Civil Code, as amended by Chapter XIX. of the laws of 1878; Sections 1000 and 1002 of the Civil Code; an Act entitled an Act to amend Article 44, Chapter XVI. of the Civil Code, approved the 28th day of August, A. D. 1860; an Act entitled an Act to amend Section 999 of the Civil Code, approved the 13th day of May, A. D. 1863; Chapter LXIX. of the Session Laws of 1886, entitled an Act to amend and consolidate the law relative to the Commissioners of Private Ways and Water Rights, and all other laws and parts of laws in contravention hereof be and are hereby repealed.

SECTION 10. This Act shall take effect from and after its approval.

Approved this eleventh day of August, A. D. 1888.
KALAKAUA REX.

By THE KING:
L. A. THURSTON,
Minister of the Interior.

AN ACT

AMENDING SECTION 2 OF CHAPTER L. OF THE PENAL CODE RELATING TO BAIL.

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom:

SECTION 1. Section 2 of Chapter L. of the Penal Code is hereby amended to read as follows:

SECTION 2. In all cases where the offense charged is not punishable with death, the accused shall be bailable, but in no others, provided that where the offense charged is punishable by imprisonment for life, or for a term exceeding ten years, any Justice of a Court of Record, but no other Magistrate, shall have the power to admit the accused to bail.

SECTION 3. This Act shall take effect from and after its approval.

Approved this eleventh day of August, A. D. 1888.
KALAKAUA REX.

By THE KING:
L. A. THURSTON,
Minister of the Interior.

Power has been allowed to extend her sphere of influence over the larger of the Solomon Islands—Bougainville, Isabel, Choiseul, etc., while the remainder are regarded as coming within the English sphere, like the islands off the southeast peninsula of New Guinea. These include the four islands of New Georgia, Guadalcanar, Malanta, and San Christoval. With these and the neighboring Santa Cruz Archipelago under our influence, might it not be possible to come to an arrangement with France for a final settlement of the ever-irritating New Hebrides question, just as we have amicably agreed with Germany as to the partition of the Solomons? As long as the New Hebrides remain in their present unsatisfactory condition they will be a source of bitterness between English and French in the Pacific. Both nations have had missionaries and traders in the islands for years, and English colonists have found among the natives the chief source of their labor supply. The islanders, a very mixed but fine race, are still, as a whole, ardent cannibals.

As far as commercial considerations go the Fiji Islands have proved much more valuable than New Caledonia and the Loyalties together, though their total foreign trade has fallen recently from £800,000 to £500,000. The value of the group as a naval station is well known, and their importance cannot but be enhanced by the opening of the Panama Canal. Unfortunately the natives, now mostly Christians, seem to be fast dying out, and of the 124,000 inhabitants some 10,000 are immigrant coolie and Polynesian laborers.

More than half way from Fiji to New Zealand we come upon the Kermadec Islands, which were recently annexed mainly to keep them out of the hands of the Foreigner; they are really outposts of New Zealand. They cover only about 20 square miles of land and were, when visited last year, inhabited by a Mr. Bell and his family from Samoa, who grow European vegetables as well as other crops. The islands seem to have no harbor of any value. Another New Zealand outpost is Chatham Island, almost directly south of the Kermadecs, and useful as a depot for provisions. These and other small islands to the southeast and south of New Zealand are all, of course, attached to that colony. The only other islands in the Pacific to which Britain can lay claim are those which it was announced the other day we had just annexed—Caroline, Starbuck, Malden, Fanning, and Penrhyn Islands, which have been in the Colonial Office List for years. Fanning was annexed by England in 1861, and is really a useful possession. It is only 30 miles in circumference; it is fruitful and has good water supplies; while from the ethnological point of view it is of great interest. Fanning Island lies about 5 deg. north of the equator, almost directly south from the Hawaiian Islands. About the same distance on the other side of the equator, and in a south-south-easterly direction, lie Malden and Starbuck Islands, all being included in what Stieler calls the Central Polynesian Sporades. They are the smallest islands and reefs scattered over a wide area, and valuable mainly for the guano which they yield, but which in many of the islands is now exhausted. They were annexed in 1866. About 5 deg. to the southeast of these is Caroline Island, about eight miles long and two broad, which became English in 1868. Some 500 miles west-north-west is Penrhyn Island, on which it would seem we only hoisted our flag the other day. It is a lagoon island, 50 miles in circumference, with a good anchorage for small vessels. A glance at a map of the Pacific will at once show the importance of these ocean specks as half-way houses in carrying a cable from Vancouver to New Zealand. Their commercial importance is small, though their copra is worth looking after. There are other islands in the same region which it might be well to examine; they lie directly in the route westwards from the Panama Canal to the Malay Archipelago, and if good harbors are available we might as well have them at our disposal.

Taking, then, our share of New Guinea, of the Solomon Islands, Fiji, and the smaller fry we have referred to, their direct commercial value is not great, though they certainly do afford fields for enterprise which are not to be despised. Their great value to us is as outposts of Australia, as connecting links between that continent and British America, and as lying on one or other of the new routes that will be created by the opening of the Panama Canal. It is from these points of view, and from the general standpoint of naval strategy, that further annexations should be made; for otherwise why should we incur further expense and responsibility by assuming the protection of a multitude of scattered reefs?

It is of some interest to notice that the Penrhyn mentioned above is marked on the maps in Stieler's Atlas, and also on Kiepert's large map of the Pacific, as belonging to the United States. Not only so, but we find in the Central and Western Pacific quite a number of small islands credited to the same nationality. In the same region as Malden and Starbuck, for example, we have Samarang, Palmyra, Walker, and Christmas Islands; northwest of the Sandwich Islands are French Frigate Island and Middle or Eastern Island; southeast of Penrhyn is Flint Island, last of the Gilbert group, Howland, and Baker Islands, and others further west, all set down as belonging to the United States. Probably the United States Government will

be surprised at being credited with such extensive foreign possessions. The fact is these scattered islands are only American in the sense that their guano deposits have been worked by American companies, and doubtless these would have had the protection of their Government had that been necessary. As the guano has in most cases been exhausted, the islands are of little further use, and it is not the least likely the Government of the United States will give itself any trouble about them. It is generally regarded as a foregone conclusion that the Hawaiian group will very soon become an acknowledged, as it is now a virtual, appendage to the United States, and from any point of view this Archipelago is one of the most desirable in all the Pacific. It was offered to us years ago, but we declined to have it. When it falls to the United States, probably the islands and reefs to the northwest will be annexed at the same time. As to the interest of the United States in Samoa, that will never stand in the way of German annexation, though no doubt the former will insist on her right to the coaling station which was ceded to her on Tutuila.

(To be concluded next week.)

Advertisements.

Planters' Monthly.

THE FOLLOWING IS THE TABLE OF CONTENTS of this sterling periodical for August:

Notes.
With our Readers.
Is this Reciprocity?
Orange Culture in Louisiana.
Jamaica Laborers.
The Foreign Sugar Market.
Future of the Cane Industry.
Sulphur Rainfall—How to Cure them.
Pruning Citrus Trees.
Sugar Cane Culture in India.
Differing Uses of Cement.
Irrigation in California.
How to Plant Ramee.
New Departure in Sugar.
Irish Potato and its History.
Ants and Plants.
Pearl Fishing.
The Casamajor Process.
Beginning a Rural Home.
International Conference on Bounties.
Present Position and Prospects of Fiji.

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STMR. MOKOLII

McGREGOR : : : Commander.
Leaves Honolulu each week for Kona, Kailua, Pukou, Lahaina, Oahu, Lanai, Molokai, Hawaii, Waiala, Pelekane, and Kalaupapa. S. G. WILDER, President. S. B. ROSE, Secretary. CAPT. J. A. KING, Port Superintendent. OFFICE—Corner Fort and Queen Streets, Honolulu. 1227-11.

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